

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 26-35) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention, as now claimed, provides a water conditioner, which includes a pipe and a substantially flat plate extending along a substantial portion of a length of the pipe. Further, the plate is to have a width that is substantially equal to an inner diameter of the pipe along an entirety of the length of the plate and with the plate being located within the pipe. A plurality of posts extends at a normal angle from each side of the plate to be adjacent an inner wall of the pipe for causing water flowing through the pipe to adopt a torturous path through the pipe, thereby providing a number of discreet paths through the water conditioner for an improved result.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient water conditioner, which includes a substantially flat plate extending along a substantial portion of a length of the pipe and having a width that is substantially equal to an inner diameter of the pipe along an entirety of the length of the plate when located within the pipe, and which plate further includes a plurality of posts extending at a normal angle from each side of the plate to be adjacent an inner wall of the pipe for ensuring a torturous path of flow of water through the pipe, either disclosed or suggested.

By the present amendment, Applicant has canceled prior Claims 13-25 and has substituted therefor new Claims 26-35; Claim 26 now being the single independent claim currently pending in Applicant's patent application. Independent Claim 26 recites the inclusion of "a substantially flat plate extending along a substantial portion of a length of said pipe, said plate having a width substantially equal to an inner diameter of said pipe along an entirety of the length of said plate with said plate being located within said pipe," which Applicant submits to be neither disclosed nor suggested by the prior art of record. Subject matter support for the recitation in Claim 26 (and all remaining claims via dependency) of various features of the "substantially flat plate" of the invention is contended to exist in Applicant's drawing figures of record, particularly FIGS. 2 and 5.

Turning now, in detail, to an analysis of the Examiner's prior art rejections, in the first Office Action the Examiner had rejected the subject matter of independent Claim 13, as well as most then-pending dependent claims, as being anticipated, pursuant to 35 U.S.C. §102(b), by each of the following citations: Bergmann, U.S. Patent No. 4,352,378; Long, U.S. Patent No. 2,523,126; Getchell, U.S. Patent No. 2,069,714; and Schindler, U.S. Patent No. 4,999,106. Broadly speaking, it is the Examiner's contention that each of the foregoing references discloses a structure on which the enumerated claims of the various anticipation rejections read on, notwithstanding the inclusion in Applicant's claims of "water," which represents an intended use of the structure and is therefore entitled to no patentable weight. Applicant understands, and is treating, the issued anticipation rejections as applicable to newly-entered independent Claim 26.

In reply to the Examiner's anticipation rejections of the first Office Action, it is respectfully contended that none of the applied references, whether considered singularly or in combination with one another, disclose or suggest a water conditioner, or other type of structure, which includes "a substantially flat plate extending along a substantial portion of a length of [a] pipe, said plate having a width substantially equal to an inner diameter of said pipe along an entirety of the length of said plate with said plate being located within said pipe."

Specifically, Bergmann teaches a heat transfer apparatus, rather than a water conditioner, which includes a plate (7), which appears to extend lengthwise within a pipe (1) with the plate having teeth (6), which would appear to be longitudinally positioned relative to the plate. The plate (7) structure in Bergmann cannot be said to have "a width substantially equal to an inner diameter of said pipe along an entirety of the length of said plate" (emphasis added) as now recited in Applicant's independent Claim 26. Instead, Bergmann would appear to disclose a "plate" structure that has a width that extends between the inner diameter of a pipe, but only at selected, or isolated, portions of the plate and not "along an entirety of the length of said plate." As a consequence of this structural difference, coupled with the fact that Bergmann teaches a heat transfer apparatus, rather than a water conditioner, it is respectfully contended that Bergmann fails to either anticipate, or render obvious, the present invention, as now claimed.

Long teaches an apparatus for the countercurrent contact of fluid materials, which includes plates (2), however, unlike Applicant's invention, as now broadly recited in

independent Claim 26, the plates used in the Long apparatus do not extend from an inner diameter of a pipe along an entirety of the length of the pipe, inasmuch as “a segment of each plate has been removed to provide an opening or passageway from plate to plate.” (See, Long at Col. 2, lines 23-29; FIGS. 1 and 4) Thus, it is respectfully contended that Long cannot properly be seen as anticipating that which is now being claimed by Applicant and, because Long teaches the inclusion of plates or trays that have segments removed, Long should properly be viewed as teaching against Applicant’s structure for a water conditioner, thereby rendering the presently claimed invention unobvious over Long.

Getchell teaches a pasteurizing apparatus which includes a pipe (7) and a series of plates (15) located therein. The plates, as clearly illustrated in FIG. 1 of Getchell, for the most part, extend the width of the pipe (7), but do not extend “along a substantial portion of a length of said pipe,” as now recited in Applicant’s independent Claim 26. The foregoing structural distinction, as well as the fact that Getchell pertains to a pasteurizing apparatus, it is respectfully submitted, renders Applicant’s claims neither anticipated by, nor obvious over, Getchell.

Finally, Schindler teaches an apparatus for magnetically conditioning a liquid, which includes a plate (10) located in a pipe (1), with the plate having a series of magnets positioned at a normal angle in (or on) the plate. The plate (10) in Schindler would appear to extend substantially the entire the width of the pipe (1) of the apparatus taught in Schindler, but, as in the case of Getchell, clearly does not extend “along a substantial

portion of a length of said pipe” and, in this respect, is submitted to be no more relevant to the nature of the claimed subject matter than that disclosed and suggested by Getchell.

In light of the foregoing, it is respectfully contended that each of the applied prior art references, namely, Bergmann, Long, Getchell and Schindler, neither anticipate, nor render obvious, the present invention, as now recited in Applicant’s newly-entered Claims 26-35 and, consequently, it is respectfully requested that the 35 U.S.C. §102(b) anticipation rejections of the first Office Action have been overcome and should appropriately be withdrawn.

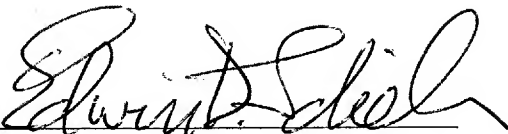
Concerning, finally, the remaining references cited by the Examiner, but not applied in any rejection of Applicant’s claims, such additional references have been carefully considered, but are not deemed to adversely affect the patentability of the present invention, as now claimed.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 26-35) recite a novel and efficient water conditioner, which includes a substantially flat plate extending along a substantial portion of a length of the pipe and having a width that is substantially equal to an inner diameter of the pipe along an entirety of the length of the plate when located within the pipe, and which plate further includes a plurality of posts extending at a normal angle from each side of the plate to be adjacent an inner wall of the pipe for ensuring a tortuous path of flow of water through the pipe, which is patentably distinguishable over

the prior art. Accordingly, withdrawal of the outstanding rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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Enc.: 1. Petition for Three-Month Extension of Time for Response; and,
2. EFT for \$555.00 (Three-Month Extension Fee).

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.